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REMARKS

Claim 2 has been cancelled. Claims 1, 7 and 8 have been amended. Claims 9-11 have been added. Thus, claims 1 and 3-11 are pending in this application.

No new matter has been added by way of these amendments and new claim, because each amendment and new claim are supported by the present specification. For example, support for the amendment to claim 1 can be found at page 8, lines 2-5; page 10, lines 2-4; page 11, lines 23-25; and by Figures 1 and 2. Claims 7-8 have been amended to change the dependency from claim 2 to claim 1. New claim 9 has support at page 10, lines 1-2 and 10-12. New claim 10 has support at page 11, lines 23-25. New claim 11 has support by claim 1 and in the specification at page 10, lines 20-21. Thus, no new matter has been added.

Based upon the above considerations, entry of the present amendment is respectfully requested.

Applicants note that the previous objection to the specification and all previous rejections have been withdrawn.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all present rejections and allow the currently pending claims.

Issues Under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1-3, 5, 7 and 8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by JP 10-179498 (hereinafter JP '498). Claim 4 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '498. Claim 6 is also rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '498 in view of Royds et al. (U.S. Patent 5,466,465; hereinafter Royds '465). Applicants respectfully traverse all these rejections.

The present invention is directed to an adhesive mold removing cleaning sheet having a liquid-permeable supporting sheet, an active ingredient member comprising a mold removing ingredient, a liquid-permeable adhesive member comprising a hydrophilic adhesive, and an isolating layer. The hydrophilic adhesive is at least 30% by weight of the liquid-permeable adhesive member and has a water content of 0.1% to 60% by weight of the adhesive composition. The isolating layer is provided for separating the active ingredient member and the adhesive member. The adhesive member covers almost all of one surface of the isolating layer, whereby liquid-permeability is maintained.

The present invention has a hydrophilic adhesive that forms a laminated structure with the isolating layer by substantially covering all of one side of the isolating layer. Thus, the present invention maintains the bleaching action of the mold removing cleaning sheet, and dropping off of a sheet after application or usage for a long period is prevented.

This is contrast to JP '498. The JP '498 reference merely employs an adhesive at both ends of the dropping off prevention sheet. Thus, since the JP '498 reference fails to disclose each element of the present invention as set forth in the claims, the present claims are not anticipated by this reference.

With the different structures, the advantages of the present invention over JP '498 are also apparent. In the present invention, a liquid-permeable isolating layer is provided, and an adhesive layer is formed thereon. By this laminated structure, even in wet conditions, the liquid does not run down and does not become deactivated before usage. Therefore, it is possible to safely store the present invention and use a mold removing ingredient having higher concentration without undesirable scattering.

As mentioned, in contrast to the present invention, JP '498 does not employ this laminated structure of an isolating layer and an adhesive layer. Therefore, JP '498 does not achieve the advantages of the present invention due to the structural and functional differences between JP '498 and the present invention. The present invention has better dropping off prevention and higher liquid-permeability over JP '498.

With regard to claim 4, the present invention has an adhesive layer (member), isolating layer, and mold removing ingredient layer that are separated. In contrast, in JP '498, the mold removing ingredient is mixed in the adhesive layer and is not perforated

through-holes. Applicants also note that claim 4 incorporates the subject matter of claim 1, wherein all previous arguments of patentability with regard to claim 1 are hereby incorporated.

With respect to claim 6, this claim depends on claim 1. Royds '465 fails to disclose the laminated structure present in the claimed mold removing cleaning sheet. Thus, the first requisite for a *prima facie* case of obviousness has not been met. See MPEP § 2142-2143 (which is based on case law such as *In re Vaeck*, 947 F.2d, 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); *Ex parte Clapp*, 227 USPQ 972 (BPAI 1985); *Ex parte Skinner*, 2 USPQ2d 1788 (BPAI 1986); *Ex parte Blanc*, 13 USPQ2d 1383 (BPAI 1989)).

In addition, Applicants submit that Royds '465 has been improperly combined, because no motivation or reasonable expectation of success exists in this reference. The Examiner contends that Royds '465 is analogous art based on "the particular problem with which the applicant was concerned" (Office Action, page 5). However, Applicants submit that Royds '465 is not only non-analogous art (*i.e.*, problem of delivering drugs to human host), but that there is still no motivation or reasonable expectation of success present in this reference for a proper combination with JP '468.

Any showing of combining references "must be clear and particular". See *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). That is not the case here. There is no discussion of an isolating layer, an adhesive member, a liquid-permeable supporting

sheet, an active ingredient member, or any cleaning sheet in the cited references. Disclosure does not equal motivation, and a *prima facie* case of obviousness has not been established.

Any usage of Royds '465 can only be accomplished by reading the present specification, reviewing what is instantly claimed, and then applying substantial hindsight reconstruction. However, this reconstruction is contrary to case law when the USPTO has simply taken the disclosure from nonanalogous art to supply the lacking disclosure from a primary reference. This is an impermissible level of "hindsight reconstruction" as a basis of support of the instant rejection. As stated by the Federal Circuit in *Sensonics Inc. v. Aerosonic Corp.* 38 USPQ2d 1551 (Fed. Cir 1996):

To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction -- an illogical and inappropriate process by which to determine patentability. *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985).

Thus, a *prima facie* case of obviousness has not been established. Therefore, Applicants respectfully request the Examiner to withdraw this rejection with respect to claim 6.

Based on the above remarks, Applicants respectfully request the Examiner to withdraw all of the outstanding rejections.

Conclusion

In view of the above remarks, Applicants respectfully submit that the present claims encompass subject matter that is patentably distinguishable from the cited references. Accordingly, the Examiner is respectfully requested to withdraw all rejections and allow the currently pending claims.

A full and complete response has been made to the Office Action. The Examiner is respectfully requested to pass the application to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Attached hereto is a marked-up version of the changes made to the application by this Amendment.

Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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JWB/ETP
0649-0706P

Attachment: Version with Markings to Show Changes Made

(Rev. 09/26/01)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 2 has been cancelled.

The claims have been amended as follows:

1. (Twice Amended) An adhesive mold removing cleaning sheet comprising:

a liquid-permeable supporting sheet;

an active ingredient member comprising a mold removing ingredient; [and]

a liquid-permeable adhesive member comprising [an adhesive,] a hydrophilic adhesive; and

an isolating layer;

wherein said hydrophilic adhesive is at least 30% by weight of said liquid-permeable adhesive member, said hydrophilic adhesive has a water content of 0.1% to 60% by weight of the adhesive composition, [an] said isolating layer is provided for separating said active ingredient member and said adhesive member, wherein said adhesive member substantially covers one surface of said isolating layer, and said cleaning sheet on use being stuck on to an object to be cleaned by applying the adhesive member thereof to the object.

7. (Amended) [An] The adhesive cleaning sheet according to claim [2,] 1, wherein said hydrophilic adhesive [contains at least one selected from] is selected from the group consisting of (i) a polymer

having a salt-forming group, (ii) a nonionic water-soluble polymer, (iii) gelatin, (iv) an emulsion polymer, and (v) a crosslinked product of the polymers (i) to (iv).

8. (Amended) [An] The adhesive cleaning sheet according to claim [2,] 1, wherein said hydrophilic adhesive is a sodium styrenesulfonate/methacrylic acid copolymer.

Claims 9-11 have been added.